

Date: May 14, 2002 Planning Commission Meeting

Item No.

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## MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Troy Fujimoto

Public Hearing: Yes:   X   No:       

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**TITLE:** **TIME EXTENSION FOR A PREVIOUSLY APPROVED S-ZONE AND USE PERMIT NO. 1554 APPROVAL (P-TE2002-1)**

**Proposal:** Request for a one-time 18-month time extension of a previously approved S-Zone and Use Permit No. 1554 extension for a religious facility at 91 Montague Expressway

**Location:** 91 Montague Expressway

**APN:** 086-34-023

**RECOMMENDATION:** **Approval with Conditions**

**Applicant:** Mohammad Farooq Rydhan, 2790 Everole Drive, San Jose, CA 95133

**Property Owner** Al-Hilaal Islamic Charitable Foundation, PO Box 610576, San Jose, CA 95161

**Previous Action(s):** S-Zone, Temporary Use Permits, Environmental Documents and Use Permits

**General Plan Designation:** Multi-Family Very High Density Residential

**Present Zoning:** Multi-Family Very High Density (R4-S)

**Existing Land Use:** Vacant warehouse building and land

**Agenda Sent To:** Applicant & Owner (as noted above)

**Attachments:** Applicant's letter requesting an extension, dated April 2, 2003. Conditions of Approval for original Site and Architectural and Use Permit approval.

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## BACKGROUND

In November 2001, the Planning Commission approved a religious facility (Site and Architectural and Use Permit review) at 91 Montague Expressway. Since this time, the applicant has been preparing building permit plans for the City and working with the County in regards to access issues from Montague Expressway. The applicant has recently submitted for building permits and has now applied for a time extension. In addition, since this time, the property was rezoned from M-1 (light industrial) to R4 (Multi-Family Very High Density Residential) in the Midtown area. The R4 district does not permit religious facilities (places of assembly). However, the religious facility approval was granted prior to the zone change. If built, the mosque would result in the creation of a new, legal non-conforming use.

The Planning Commission may grant no more than one extension not exceeding eighteen (18) months. New conditions may be imposed on the extension of time for any permit.

## Site Description

The 1.85-acre subject site is located near the northeast corner of S. Main Street and Montague Expressway, in the City's Midtown Specific Plan area. The current use of the site is a vacant warehouse building and a temporary office and caretakers' structure. Because the site once contained a concrete facility, the site is covered with broken concrete debris and paved concrete areas.

The site is in an established urban area with a mix of businesses including commercial, eating establishments, automotive-related businesses, offices, industrial uses and professional services. Adjacent land uses include a trucking facility to the west, industrial uses to the north, and railroad tracks and research and development facilities/offices to the east. To the south is Montague Expressway and industrial uses located in the City of San Jose.



*View looking north*

## PROJECT DESCRIPTION

The proposed project has not changed in scope since the previous approval in November 2001 and continues to be of a safe, compatible, and aesthetically harmonious designed project as detailed below.



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### **Facility Operation**

The proposed development consists of a 24,483 square foot mosque. The religious facility will have classrooms, offices, library, kitchen and dining area, wudus (wash areas), dormitories, caretakers' residence, storage areas, and prayer areas for approximately 308 people.

The religious facility will be used on a daily basis, with prayers occurring five times a day, from the early morning (5:00 am) to late in the evening (10:30 pm). Most prayer sessions will have approximately 15-20 people attending, the greatest demand will be on Friday afternoons where there will be approximately 125 people in attendance. Hours of operation (for prayer) will be from 5:00 am to 5:45 am, 1:00 pm to 2:00 pm, 6:15 pm to 6:30 pm, 8:00 pm to 8:30 pm and from 10:00 pm to 10:30 pm. The mosque will also have food service facilities and will serve food on special occasions for special events.

### **Site Layout**

The building will be oriented to the front of the parcel (in the southeast corner), near Montague Expressway. There will be a large landscaped area at the front and at the middle section of the property. Parking will be on the west and northern portions of the property and there will be one driveway entrance at the southwest corner of the property. As part of the site improvements, a sidewalk will be located along the Montague Expressway frontage and a pedestrian path connecting to the building.

### **Parking**

The Zoning Ordinance sets a minimum parking standard for religious facilities based on the seating or occupancy of the sanctuary or main assembly area. That minimum standard is one parking space per five (5) seats (or its equivalent). The capacity of the mosque prayer area is calculated and shown on the plans (sheet A2.1) at 308 persons. Therefore, the minimum required parking for this project is 61 spaces, based on 308 people in the two prayer areas. Total parking provided on-site is 127 spaces (sheet 1).

### **Building Architecture and Materials**

The project site is located in the Midtown area. The project incorporates design elements as stated from the Midtown Plan design guidelines. The project consists of high quality design and aesthetic standards for the building and associated landscaping. The building is located at the front of the property (Chapter 8.5.B.1.a, building orientation) and parking is at the sides and rear of the site (Chapter 8.3.a).

The 24,483 square foot rectangular-shaped building will have a flat roof with two painted, stucco dome tops over the two main entrances. The main building entrance will be located on the southern and western sides of the building. The building also has a 57-foot minaret/tower at the southwest corner of the building. The building façade features architectural elements that are representative of an Islamic mosque. An architectural element of note is the dark green colored dome over the entrance fronting Montague Expressway. The proposed mosque will use various colors on the building exterior that are traditional of the Islam religion, including blue and green accents on the building exterior.



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### **Landscaping and Lighting**

Proposed landscaping includes a large open space at the front of the parcel (approximately 600 square feet) with a water fountain and trees. To help accentuate the entrance into the site, a row of large palm trees and a row of magnolia trees are on either side of the driveway. Interspersed throughout the project site are various shrubs and trees. At the center of the site is a large infiltration area that will collect stormwater runoff, as well as provide space for additional landscaping. The applicant also proposes to use decorative metal fencing along the front of the property.

Proposed lighting includes decorative light poles located throughout the parking area. The applicant has also proposed decorative light fixtures on the sides of the mosque building.

### **Storm Water Runoff Pollution**

The applicant will incorporate BMP's (Best Management Practices) into his site design to minimize impacts resulting from increased surface water runoff. The BMP's that will be used include roofs and impervious areas draining to landscaped areas and the trash enclosure plumbed to the sanitary sewer system. The applicant will grade the entire site to drain to the large percolation areas at the middle of the site and at the front of the site. Having the runoff directed to pervious areas will help to filter out pollutants and allow natural infiltration.

### **TIME EXTENSION REQUEST**

Pursuant to Zoning Ordinance Section 64.04, the applicant is requesting a time extension of the previous S-Zone and Use Permit approval. As with any permit approval granted under the terms of the zoning ordinance (such as Use Permit or S-Zone), a permit expires in eighteen (18) months if not used or exercised. As defined in Section 64.04-2, a permit is "used" or "exercised" if the applicant obtains a building permit and completes a foundation or dedicates any land or easement as required from the zoning action or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

The applicant has not "used" or "exercised" their permit as of yet. A dedication of land by the previous owner occurred for a previous approval that was never built. The current approval had the same condition places on it. However, the applicant for the current approval is still working out issues with the County in regards to a deceleration lane on Montague Expressway and may have to dedicate additional land. Because the current applicant has not the dedicated any land (the dedication was done by the previous landowner for a previous project) and because there is a possibility that the County may require the easement location to change, it was determined that the condition has not been fully satisfied, and as such, the permit could not be considered exercised.

Since their original approval, the applicant has taken the following actions to acquire building permits and construct the building:

1. The applicant has recently hired a private project manager to guide the project through the post Planning Commission approval process, including procurement of building permits. This action has removed it from the responsibility of volunteers who may not have had the time nor expertise to resolve project issues.



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2. The applicant has completed and submitted to the City for grading and drainage permits of the site in anticipation of the construction of the building.
3. The applicant has met with City staff on multiple occasions to work out various outstanding fire, building, engineering, and planning issues.
4. The applicant has met and tried to work with the County to resolve issues in regards to the Montague Expressway widening project.
5. The applicant has recently submitted a full set of plans for building permits, including a soils report and structural calculations.

Based on the applicant's time and capital already invested in the project and because of actions taken to complete the project indicating that they have been operating in good faith to exercise their permit, staff is recommending a one-time 18-month time extension of his Use Permit and Site and Architecture approval. This time extension will allow the applicant sufficient time to obtain a building permit – at least one of the ways a use permit can be exercised.

### **RECOMMENDATION**

Recommend approval of a one-time, 18-month time extension (to expire on November 14, 2004) for Use Permit No. 1554 and the Site and Architecture Approval, subject to all previously approved special conditions (attached).

### **FINDINGS**

1. Although there has been a zone change for the site since the original approval, which would not allow religious facilities, as conditioned, the project largely meets the Midtown Plan Design Guidelines.
2. As conditioned, the layout of the site and design of the proposed religious facility are compatible and aesthetically harmonious with surrounding development.
3. A time extension can be granted due to the applicant's actions and steps taken to acquire a building permit, which demonstrates a good faith effort to exercise the S-Zone and Use Permit applications.
4. The time extension is in compliance with the City of Milpitas Zoning Ordinance for permit approvals.

### **SPECIAL CONDITIONS FROM THE PLANNING DIVISION (as originally approved, including two new conditions):**

- 1) This approval is for a one-time eighteen (18) month time extension (P-TE2003-2) for a 24,483 square foot mosque with 127 parking spaces and caretakers' and dormitory units, all in accordance with the plans approved on November 28, 2001. No signage is a part of this approval. Any modification to the project as proposed will require an "S" Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for review and approval by the Planning Commission Subcommittee. (P)
- 2) The applicant shall comply with Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (Items 1,3,9,11-P)



- 3) This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
- 4) Within 60 days of Planning Commission approval, the applicant shall move the temporary trailer to the rear of the site, behind the abandoned warehouse. The trailer shall be removed from the site prior to any issuance of any occupancy. (P)
- 5) Prior to building permit issuance, the applicant shall submit to the Planning Subcommittee for approval revised Architectural Elevations which shall incorporate the following: (P)
  - a. Recessed windows throughout the project at a minimum of twelve (12) inches, to provide a more visually appealing structure.
  - b. Incorporate storm leaders from the roof into the exterior walls and not “attached” to the outside of the building.
  - c. Increase building parapet to as tall as the rooftop building equipment.
- 6) Prior to building permit issuance, the applicant shall submit to the Planning Commission Subcommittee for approval of elevations and detail drawings of proposed lighting fixtures, fencing, and landscaping. (P)
- 7) Applicant shall screen all ground utilities (backflow preventers) and necessary fire equipment (as per Fire Department Standards). (P,E,F)
- 8) All rooftop-mounted equipment (HVAC, etc.) shall be screened from views by locating behind a parapet wall or placed in the roof well. (P)
- 9) The trash/recycling enclosure shall comply with the requirements of City Council Resolution No. 6296, “Guidelines for Recycling Enclosures.” (attachment). (Items 2,4-7,10-P)
- 10) During excavations if a contaminant is found in levels above the total threshold limit concentration (TTLIC), the developer shall cease excavation and contact the City Planning staff. The developer shall implement a remediation and worker safety program, which has been designed by a qualified specialist and approved by City staff. Additionally, if the contaminated soils are kept on site, the developer shall record a disclosure statement with the County Recorder’s Office, which has been approved by City staff, which includes a map showing the final location of the soils and their level of contamination. (P, Mitigation Measure No. 4)
- 11) The following measures shall be incorporated into project plans prior to issuance of any building permits: (P)
  - a. To the extent feasible, minimize the amount of run-off that drains directly to the storm sewer system. Possible solutions may include the following mitigation measures:
    - i. Directing stormwater run-off to landscaped areas for natural infiltration.
    - ii. Directing stormwater run-off to catch basins or holding areas to capture runoff and allow to infiltrate into the soil
    - iii. Install fossil filters or alternative type of filter process to clean the stormwater run-off prior to discharge.
  - b. Re-grade the site for runoff to drain to proposed landscaped areas.



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12) During final project design and construction: (P, Mitigation Measure No. 3)

- a. To the extent feasible, design the project facilities to direct runoff into constructed shallow swales to capture runoff and allow it to infiltrate into the soil. Incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999);
- b. Implement standard best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils with fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system;
- c. Prior to building permit issuance, the applicant shall submit plans depicting non-structural and structural post-construction BMPs for maximum feasible implementation pursuant to the City of Milpitas Urban Runoff Management Program.

13) Prior to any construction all construction equipment shall be equipped with mufflers or other equivalent mitigation. The applicant will be required to demonstrate to the City that all construction equipment used at the project will be properly equipped. (P, Mitigation Measure No. 5)

14) During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P, Mitigation Measure No. 1)

- a. Watering all exposed or disturbed soil surfaces, at least twice daily, as necessary to eliminate visible dust plumes;
- b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
- c. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles of debris, soil, sand, or other materials;
- d. Suspension of all earthmoving or other dust-producing activities or equipment during periods of high winds when watering cannot eliminate visible dust plumes;
- e. Apply water 3 times daily or apply (non-toxic) soil binders on all unpaved access roads parking areas and staging areas at construction sites;
- f. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- g. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
- h. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- i. Limit traffic speeds on unpaved areas to 5 mph.

15. Six months from issuance of a certificate of occupancy, this Use Permit No. 1554 shall be reviewed by the Planning Commission to evaluate the issues of parking supply and rush hour traffic conflicts. (P)



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16. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P, new)
17. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P, new)

**SPECIAL CONDITIONS FROM THE ENGINEERING DIVISION (as originally approved):**

1. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) the available water supplies, or (2) the allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until the water capacity and/or the sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provision is a mandatory regulatory condition to this approval. We do not anticipate any capacity problems but cannot guarantee the necessary capacities for the development. (E)
2. The developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer with the submittal of the construction plans to the Building Dept for plan check. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer. The developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E)
3. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
4. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation, as further shown on Engineering Services Exhibit "S" (dated 11/2/2001). (E)
5. Prior to building permit issuance, the developer shall deed to the County of Santa Clara (Department of Roads and Airports) necessary right of way (fee title) for Montague Expressway widening as shown Engineering Services Exhibit "S" (dated 11/2/01). The negotiated and agreed upon cost of the right of way will be credited toward the payment of required Traffic Impact Fee. If the cost of right of way is higher than the required Traffic Impact fee, then the City will pay the difference. If the cost of right of way is less than the required Traffic Impact fee, then the developer is required to pay the difference. A recorded copy of the subject deed shall be submitted to Land Development Engineer for City's record. (E)
6. Prior to building permit issuance, improvement plans for all proposed work along Montague Expressway shall be submitted to and approved by the Santa Clara County Road and Airport Department. The developer is also required to obtain an encroachment permit from Santa Clara County Road and Airport Department prior to any work within Montague Expressway right-of-way. (E)





7. No permanent structures shall be constructed in the areas designated as future right of way for widening of Montague Expressway, as shown on the Engineering Services Exhibit "S" (dated 11/2/01). This area shall be temporary landscaped and maintained by the developer until such time the roadway is widened
8. Prior to building permit issuance, the developer shall dedicate a 10' wide sidewalk and Public Service Utility Easement (PSUE) along Montague Expressway, as further shown on the Engineering Services Exhibit "S" (dated 11/2/2001).
9. The applicant shall comply with Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (Items 2,4-8, 10, 12-17-E)
10. The trash/recycling enclosure shall comply with the requirements of City Council Resolution No. 6296, "Guidelines for Recycling Enclosures." (attachment). (Items 1,4,5,7,8,10-E)

(P) = Planning Division

(E) = Engineering

### NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the zoning ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

Revised Building Division Notes (for further information regarding these notes, contact Veronica Valenti, 408/586-3241)

1. Applicable codes shall be 2001 California Building Code, CPC, CMC, CEC, Energy Efficiency Standards, and 2002 Milpitas Municipal Code.
2. A preliminary meeting is available for code questions. Please contact Senior Plan Check Engineer, Keyvan Irannejad for appointment at (408) 586 3244.
3. Roofing material shall be as per 2001 CBC, Table 15-A.
4. Required separation in buildings with mixed occupancy shall be as per 2001 CBC Table 3-B.
5. Auditoriums of group A2.1 occupancies shall be provided with exits on each side. Side exits shall open directly to a public way or into an exit passageway leading to a public way in compliance with 2001 CBC, section 1007.2.2. Openings into exit passageway shall be limited to required exits as per 2001CBC Section 1005.3.4.4.
6. If children room is a day care it will be classified as E-3 per 2001 CBC section 305.1. The occupant load shall be 35 per Table 10-A and two exits are required for more than 7 occupants.
7. An assistive-listening system shall be provided for persons with hearing impairment as per 2001 CBC, Sec. 1104B.2.
8. If this building requires an audible fire alarm system, visual alarms are also required for the hearing impaired to be located in common use areas, toilet rooms, per 2001 CBC Sec. 1114B.2.4.
9. Elevator shall be accessible per 2001 CBC Section 1116.



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10. People with disabilities accessible parking shall be provided as per 2001 CBC, Section 1129.B.1 and Table 11 B-6. Accessible parking spaces shall be dispersed and located the closest and in the safest way to the accessible entrances.
11. Accessible route of travel shall be provided to all entrances and ground floor exits. Also from parking and from public street/bus stop to main entrance per 2001 CBC, Section 1127B.1.
12. Parking spaces shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own per 2001 CBC, Section 1129B.4.3.
13. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel, and at building entrances that are accessible per 2001 CBC, section 1127B.3.
14. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, Section 1114.B.1.3.
15. All sanitary facilities to be used for public-use and common use shall be fully accessible to people with disabilities as per 2001 CBC, Section 1115B.2. The number of plumbing fixtures shall be as per 2001 CBC appendix Chapter 29 Table A-29-A.
16. All new electrical services shall be underground per 2001 Milpitas Municipal Code Section II-6-2.02.
17. The electrical service disconnecting means (electrical service) shall be installed at a readily accessible location either outside of the building, or inside nearest the point of entrance of the services conductors as per 2001 CEC, Article 110-26-(c ). It shall not be installed in bathrooms.
18. A soil report shall be provided when applying for grading, site improvement and building permit.
19. Proposed paving shall comply with the 2002 Milpitas Municipal Code section II-13-18. All non-structural concrete flat work cement shall be as per 2002 Milpitas Municipal Code section II-13-17.05.
20. An erosion control plan shall be submitted when applying for grading permit as per 2002 Milpitas Municipal Code.

Revised Fire Department Notes (for further information regarding these notes, contact Jaime Garcia, 408/586-3369)

Please do not consider this as approval from the Fire Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process.

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.



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3. Fire protection, including fire apparatus access roads and water supplies for fire protection (hydrants) shall be installed and made serviceable prior to and during the time of construction. Section 901.3, California Fire Code (CFC)
4. Fire safety during construction, alteration or demolition of the building shall meet the requirements of Article 87, California Fire Code (CFC).
5. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 902.2.1.2 amended by Milpitas Municipal Code V-300-2.01
6. Fire apparatus access road(s) shall not be obstructed in any manner and shall be maintained at all times. Fire Code 902.2.4
7. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The Fire Department requires that all turn around for fire apparatus shall be capable of providing the ability to turn around apparatus with an overall length of 50 feet, with an outside turning radius of 46 feet and an inside turning radius of 20 feet. All turn-around areas shall be dimensioned and detailed.
8. For building permit, the site plan shall show all designated fire apparatus access road(s) and shall show dimensions. Layout and dimensions are also required for fire apparatus turn radius (exterior and interior).
9. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. Appendix III-A shall be used as the basis for determining Fire Flow. Section 903.2, 903.3, CFC.
10. Existing fire hydrants on public streets are allowed to be considered as available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Appendix III-B, Section 4, CFC.
11. No parking is permitted in front of fire hydrants. Hydrants located on street (public street) shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513, California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. 901.4.3, 903.4.2 CFC.
12. The location and quantify of hydrants located on the street (public street) and/or on site will be determined by the Fire department. Sections 903.4.2, 1001.9, 1001.10 CFC.
13. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1 CFC.
14. An automatic fire-extinguishing (sprinkler) system shall be installed throughout this building (required in all buildings hereafter constructed three or more stories, or 35 feet in height, or 10,000 square feet or more in area or having a Fire Flow of greater than 2,000 gallons per minute. Appendix III-A shall be used as the basis for determining Fire Flow). UFC Section 1003.2.2 added by Milpitas Municipal Code Section V-300-2.32.



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15. An automatic fire-extinguishing (sprinkler) system shall be installed throughout all buildings containing a Group E, Division 1 occupancy. Section 1003.2.4.1, California Fire Code.
16. Fire Department connection through which the Fire Department can pump water in the sprinkler system shall not be attached to the building and shall be located as near as practicable to a public fire hydrant. The new point of connection shall be at the direction of the Fire Department. CFC Section 1003.1.1.2, amended by Milpitas Municipal Code Section V-300-2.01.
17. A ventilating hood and duct fire extinguishing system shall be provided in accordance with the Mechanical Code for commercial-type food heat-processing equipment that produces grease-laden vapors. Section 1005, CFC.
18. A fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat-processing equipment, as measured along an unobstructed path of travel, in accordance with California Code of Regulations, Title 19, Division 1, Chapter 3. Section 1005.2.7, CFC.
19. A supervised automatic fire sprinkler system is required. UFC Section 1003.3.1.
20. An approved audible sprinkler flow alarm shall be provided. UFC Section 1003.3.2.
21. Group A, Division 2.1 Occupancies shall be provided with a manual fire alarm system, UFC Section 1007.2.2.1. Design, installation and maintenance shall be in accordance with the UFC Section 1007.3 and other nationally recognized standards.
22. Group E Occupancies shall be provided with fire alarm systems in accordance with Section 1006.2.4. Group E, Division 1 Occupancies having an occupant load of 50 or more shall be provided with an approved manual fire alarm system. When automatic sprinkler systems or smoke detectors provided in accordance with Section 1006.2.4.2 are installed, such systems or detectors shall be connected to the building fire alarm system and the building fire alarm system shall be both automatic and manual. Section 1006.2.4.1, CFC.
23. The use of candles and other open-flame decorative devices in places of assembly and drinking or dining establishments shall be in accordance with Section 1109.8, CFC.
24. Drapes, hangings, curtains, drops, and other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard, shall be made from material which is not flammable material or shall be treated and maintained in a flame-retardant condition by means of flame-retardant solution or a process approved by the chief. Section 2501.5 CFC.
25. When required by the Chief, a plan indicating the seating arrangement, location and width of exit ways and aisles shall be submitted for approval, and an approved copy of the plan shall be kept on display on the premises. Sec. 2501.14 CFC.
26. Buildings or portions of buildings classed in Group A Occupancy, shall be limited to the types of construction set for in Table 5-B, and shall not exceed in area or height the limits specified in Sections 504, 505 and 506. California Building Code Section 303.2.1
27. A building housing Group A and E Occupancies shall front directly on a public street or an exit discharge not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-feet-wide right-of-way, unobstructed and maintained only as access to the



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public street. Provide a clean and unobstructed 20 feet wide exit discharge from the main entrance to the public street. California Building Code Sections 303.3, 305.3.

28. Aisles shall be provided from all occupied portions of the exit access which contain seats, tables, furnishings, displays and similar fixtures or equipment. Aisles located within the accessible route of travel shall also comply with the Building Code requirements. Section 1204.1, CFC.
29. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2 CFC.
30. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Section 1207.3, CFC.
31. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Section 1203, California Fire Code.
32. When required, the path of exit travel to and within exits in a building shall be identified by exit signs conforming to the requirements of the Building Code. Section 1212.2, California Fire Code.
33. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be per Section 804.1, California Building Code.
34. No approval is granted under this review for use or handling of hazardous materials.
35. Combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Section 1001.3, California Fire Code (CFC).
36. Dumpsters and containers of rubbish with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored or placed within 5 feet of combustible walls, openings or combustible roof eaves unless protected by an approved sprinkler system. Section 1103.2.2, CFC.
37. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 901.2.2 and 1001.3, California Fire Code.





*In the name of Allah, the Most Beneficent, the Most Merciful*  
**AL-HILAL ISLAMIC CHARITABLE FOUNDATION**

**P.O. Box 610576, San Jose, CA 95161-0576**

***Dar-us-Salaam Islamic Center***

**90 Dempsey Road, Milpitas 95035**

**(408) 719-9010**

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April 2, 2003

Chairperson Paul Hay,  
Planning Commission  
City of Milpitas,  
455 E. Calaveras Blvd.,  
Milpitas, CA 95035

Mr. Chairman,

The Planning Commission City of Milpitas approved the project for construction of new Mosque at 91 Montague Expressway in November 2001. The American Muslim community of Milpitas is highly appreciative of this and we are working towards building a beautiful Mosque at this site keeping in view the Midtown Plan.

On receipt of approval letter, we made concerted efforts to resolve important conditions mentioned in the above approval letter. Our architect and the project coordinator met the officials of the Planning department, the Building department and the Fire department twice to comply with their observation of fire rating in different portion of the Mosque and increasing the height of parapet to obstruct the view of mechanical equipment on roof top of second floor. We resolved both issues by making some changes inside the Mosque and increasing the parapet height. The officials of Planning Department, Building department and Fire department, Okayed the revised drawings.

We have engaged experienced qualified Architectural, Structural, Electrical and Mechanical Engineers for preparing detailed design and construction drawings for the new Mosque. The work involved has been voluminous and it has taken some time to complete.

There were also observations by County of Santa Clara Roads and Airport department and some of these have been complied by the Architect. Some of the issues dealing with storm drainage and future Montague expansion are still outstanding. These involve technical and financial implications and we are trying to resolve them as early as possible. We have recently engaged Mr. Muhieddine Maaz of QSED Inc. to provide management and much needed focus to our project. Mr. Maaz and the civil engineering firm of The Culver Engineering Group are working with the County to resolve the remaining issues with them.

In November 2002, we submitted an application for Grading and Drainage permit. We promptly received the comments and feedback from various departments of the City. We are currently

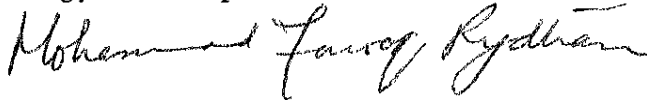


working to incorporate these in our drawings and resubmit them as soon as the issues of storm drain and future Montague expansion are resolved with the County.

Meanwhile we are facing the May 28<sup>th</sup> deadline for the expiration of the Planning Commission's approval for our project. We were under the impression that the dedication of land and the easements for the PSUE would suffice as an "exercise and use" of the approval, as this condition was already satisfied. However, the planning staff has informed us that the issues outstanding with County needs to be resolved before this would be considered.

We are hereby asking the Planning Commission to grant us an extension to the approval of the "S" Zone permit. We assure you that we are very serious about building our Mosque at this location. In the next few months we are going to begin the serious construction phase of our project as soon as we get the appropriate permits from the building department. In addition to the application for the drainage and grading permit, which was submitted in November 2002, we are submitting the application for the building permit this week. With this application we are submitting all the required drawings including Architectural, Structural, Civil, Electrical, Mechanical, Plumbing, Landscape, as well as soil reports, structural calculations and Title 24 report. In the next few months we plan to exercise and use the "S" Zone approval by grading our site, put the foundation, and raise the structure of the Mosque. I assure that we have the necessary funds in our possession to accomplish this.

Thanking you in anticipation,

A handwritten signature in black ink, reading "Mohammad Farooq Rydhan". The signature is fluid and cursive, with the first name "Mohammad" being the most prominent.

Mohammad Farooq Rydhan  
President, Al-Filaal Islamic Charitable Foundation.



November 30, 2001

Mohammad Farooq Rydhan  
(Al-Hilal Islamic Charitable Foundation)  
2790 Eversole Drive  
San Jose, CA 95133

**APPROVAL FOR "S" ZONE APPLICATION,  
USE PERMIT NO. 1554 AND EIA NO. 747**  
A request to construct a 24,483 square foot mosque.  
91 Montague Expressway

Dear Mr. Rydhan:

The above referenced project was reviewed and approved by the Milpitas Planning Commission at its meeting of November 28, 2001. Enclosed for your information is a copy of the approved "Special Conditions/Notes to Applicant" for the project. Please read the conditions and notes carefully. **Unless otherwise specified, these items must be resolved prior to building permit issuance for your project.**

The next step in the process is to submit working drawings or construction plans to the Building Division for plan checking. Please contact that Division (586-3240) for further information. Listed below are the names and phone numbers of others involved in the building permit process. It is to your advantage to contact those persons in order to see what material(s), if any, they will need regarding your application. This could expedite the permit processing.

Building Division: Veronica Valenti - 586-3241; Engineering Division: Robert Wang - 586-3327;  
Fire Department: Tim Rapella - 586-3369

**Expiration of permit or approvals:**

Unless the approval is used or exercised, it will expire, without notice to you, eighteen (18) months after the date of approval, or by May 28, 2003. For the purpose of approval, an approval is "used" or "exercised" if the applicant obtains a building permit and completes a foundation, or dedicates any land or easement as required from the zoning action, or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

A one-time 18-month time extension may be granted by the Planning Commission. It is valid only if approved before the pending expiration date. New conditions may be imposed on your permit through the review process for your extension of time for any permit. To obtain a time-extension, you must submit a request with appropriate fees to the Planning Division no later than March 28, 2003 to be scheduled for the Planning Commission meeting of May 28, 2003.

If you have any questions pertaining to this matter, please give me a call at (408) 586-3287. Thank you for participating in the City's planning review process.

Sincerely,



Troy Fujimoto  
Assistant Planner

enc: Approved Special Conditions/Notes to Applicant



**APPROVED SPECIAL CONDITIONS**

**APPROVAL FOR “S” ZONE APPLICATION, USE PERMIT NO. 1554 AND EIA NO. 747**

A request to construct a 24,483 square foot mosque.  
91 Montague Expressway, Milpitas, CA 95035

**Planning Commission Approval:** November 28, 2001

**SPECIAL CONDITIONS FROM THE PLANNING DIVISION:**

- 1) This approval is for the construction of a 24,483 square foot mosque with 127 parking spaces, caretakers and dormitory units, all in accordance with the plans approved on November 28, 2001. No signage is a part of this approval. Any modification to the project as proposed will require an “S” Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for review and approval by the Planning Commission Subcommittee. (P)
- 2) The applicant shall comply with Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (Items 1,3,9,11-P)
- 3) This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
- 4) Within 60 days of Planning Commission approval, the applicant shall move the temporary trailer to the rear of the site, behind the abandoned warehouse. The trailer shall be removed from the site prior to any issuance of any occupancy. (P)
- 5) Prior to building permit issuance, the applicant shall submit to the Planning Subcommittee for approval revised Architectural Elevations which shall incorporate the following: (P)
  - a. Recessed windows throughout the project at a minimum of twelve (12) inches, to provide a more visually appealing structure.
  - b. Incorporate storm leaders from the roof into the exterior walls and not “attached” to the outside of the building.
  - c. Increase building parapet to as tall as the rooftop building equipment.
- 6) Prior to building permit issuance, the applicant shall submit to the Planning Commission Subcommittee for approval of elevations and detail drawings of proposed lighting fixtures, fencing, and landscaping. (P)
- 7) Applicant shall screen all ground utilities (backflow preventers) and necessary fire equipment (as per Fire Department Standards). (P,E,F)
- 8) All rooftop mounted equipment (HVAC, etc.) shall be screened from views by locating behind a parapet wall or placed in the roof well. (P)
- 9) The trash/recycling enclosure shall comply with the requirements of City Council Resolution No. 6296, “Guidelines for Recycling Enclosures.” (attachment). (Items 2,4-7,10-P)
- 10) During excavations if a contaminant is found in levels above the total threshold limit concentration (TTL), the developer shall cease excavation and contact the City Planning staff. The developer shall implement a remediation and worker safety program, which has been designed by a qualified specialist and approved by City staff. Additionally, if the contaminated soils are kept on site, the developer shall record a disclosure statement with the County Recorder’s Office which has been approved by City staff, which includes a map showing the final location of the soils and their level of contamination. (P, Mitigation Measure No. 4)



11) The following measures shall be incorporated into project plans prior to issuance of any building permits: (P)

- a. To the extent feasible, minimize the amount of run-off that drains directly to the storm sewer system. Possible solutions may include the following mitigation measures:
  - i. Directing stormwater run-off to landscaped areas for natural infiltration.
  - ii. Directing stormwater run-off to catch basins or holding areas to capture runoff and allow to infiltrate into the soil
  - iii. Install fossil filters or alternative type of filter process to clean the stormwater run-off prior to discharge.
- b. Re-grade the site for runoff to drain to proposed landscaped areas.

12) During final project design and construction: (P, Mitigation Measure No. 3)

- a. To the extent feasible, design the project facilities to direct runoff into constructed shallow swales to capture runoff and allow it to infiltrate into the soil. Incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999);
- b. Implement standard best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils with fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system;
- c. Prior to building permit issuance, the applicant shall submit plans depicting non-structural and structural post-construction BMPs for maximum feasible implementation pursuant to the City of Milpitas Urban Runoff Management Program.

13) Prior to any construction all construction equipment shall be equipped with mufflers or other equivalent mitigation. The applicant will be required to demonstrate to the City that all construction equipment used at the project will be properly equipped. (P, Mitigation Measure No. 5)

14) During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P, Mitigation Measure No. 1)

- a. Watering all exposed or disturbed soil surfaces, at least twice daily, as necessary to eliminate visible dust plumes;
- b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
- c. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles of debris, soil, sand, or other materials;
- d. Suspension of all earthmoving or other dust-producing activities or equipment during periods of high winds when watering cannot eliminate visible dust plumes;
- e. Apply water 3 times daily or apply (non-toxic) soil binders on all unpaved access roads parking areas and staging areas at construction sites;
- f. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- g. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;



- h.* Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
  - i.* Limit traffic speeds on unpaved areas to 5 mph.
15. Six months from issuance of a certificate of occupancy, this Use Permit No. 1554 shall be reviewed by the Planning Commission to evaluate the issues of parking supply and rush hour traffic conflicts. (P)

**SPECIAL CONDITIONS FROM THE ENGINEERING DIVISION:**

1. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) the available water supplies, or (2) the allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until the water capacity and/or the sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provision is a mandatory regulatory condition to this approval. We do not anticipate any capacity problems but cannot guarantee the necessary capacities for the development. (E)
2. The developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer with the submittal of the construction plans to the Building Dept for plan check. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer. The developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E)
3. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
4. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation, as further shown on Engineering Services Exhibit "S" (dated 11/2/2001). (E)
5. Prior to building permit issuance, the developer shall deed to the County of Santa Clara (Department of Roads and Airports) necessary right of way (fee title) for Montague Expressway widening as shown Engineering Services Exhibit "S" (dated 11/2/01). The negotiated and agreed upon cost of the right of way will be credited toward the payment of required Traffic Impact Fee. If the cost of right of way is higher than the required Traffic Impact fee, then the City will pay the difference. If the cost of right of way is less than the required Traffic Impact fee, then the developer is required to pay the difference. A recorded copy of the subject deed shall be submitted to Land Development Engineer for City's record. (E)
6. Prior to building permit issuance, improvement plans for all proposed work along Montague Expressway shall be submitted to and approved by the Santa Clara County Road and Airport Department. The developer is also required to obtain an encroachment permit from Santa Clara County Road and Airport Department prior to any work within Montague Expressway right-of-way. (E)
7. No permanent structures shall be constructed in the areas designated as future right of way for widening of Montague Expressway, as shown on the Engineering Services Exhibit "S" (dated 11/2/01). This area shall be temporary landscaped and maintained by the developer until such time the roadway is widened
8. Prior to building permit issuance, the developer shall dedicate a 10' wide sidewalk and Public Service Utility Easement (PSUE) along Montague Expressway, as further shown on the Engineering Services Exhibit "S" (dated 11/2/2001).
9. The applicant shall comply with Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (Items 2,4-8, 10, 12-17-E)



10. The trash/recycling enclosure shall comply with the requirements of City Council Resolution No. 6296, "Guidelines for Recycling Enclosures." (attachment). (Items 1,4,5,7,8,10-E)

(P) = Planning Division

(E) = Engineering

#### NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. Do not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

Planning Division (for further information regarding these notes, contact Troy Fujimoto, 408/586-3287):

1. All plans submitted for Building Permits must provide a list of the project's Conditions of Approval.

Engineering Division (It is anticipated that the following will apply to subsequent actions regarding this property, please contact Jeffery Leung at 408/586-3326 for further information):

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, Pac Bell, AT&T Cable, Southern Pacific Railroad, Santa Clara County (Road and Airports Department), and City of Milpitas Public Facilities/Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.
2. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:

- a. Water Service Agreement(s) for water meter(s) and detector check(s).
- b. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).

3. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance.
4. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit.
5. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping of 2500 square feet or larger, the developer shall:
  - a. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
  - b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord. No 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.



6. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.
7. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". No special flood requirements are necessitated.
8. Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit. In addition, the trash enclosure shall include a connection to the sanitary sewer service and minimum dimensions as stated on figure 2, front load service enclosure by Solid Waste.
9. The developer shall make changes as noted on Engineering Services Exhibit "S" (dated 11/2/2001) and submit four sets of civil engineering drawings showing all proposed utilities and required documents to the Land Development Engineer for plan check of the construction plans for building permit.

Building Division: (For further information regarding these notes, contact Veronica Valenti, 408/586-3241):

1. Preliminary meeting is available for code questions. Please contact Senior Plan Check Engineer, Keyvan Nejad for appointment at (408) 586 3244.
2. Applicable codes shall be 1997 UBC, UPC, UMC, 1996 NEC, 1999 Energy Efficiency Standards, California Building Code and 1999 Milpitas Municipal Code.
3. Roofing material shall be as per 1997 UBC, Table 15-A.
4. Occupant load factor for assembly shall be 1 occupant per 7 sq. ft. as per 1997 UBC, Table 10-A. Men prayer area will be considered Group A Division 2.1 and women prayer area will be Group A3 as per 1997 UBC, section 303.1
5. Three separate exits are required from Men prayer area and two separate exits are required from women prayer area as per 1997 UBC, Sec 1004.2.3.2.
6. In the assembly occupancy doors shall swing in the direction of exit as per 1997 UBC, Sec. 1003.3.1.5. Exit doors from assembly occupancy shall be provided with panic hardware as per Sec. 1007.2.5 and exit signs as per Sec. 1003.4.3.
7. Occupancy separation walls for mixed occupancies shall be as per 1997 UBC, Table 3-B.
8. Auditoriums of group A2.1 occupancies shall be provided with exits on each side. Side exits shall open directly to a public way, into an exit or exit discharge leading to a public way in compliance with 1997 UBC, section 1007.2.2.
9. Any new paving shall comply with the Milpitas Municipal Code and any new flat concrete work shall be as per Milpitas Municipal Code.
10. An assistive-listening system shall be provided for persons with hearing impairment as per CBC 1998, Sec. 1104B.2
11. One in every eight accessible parking spaces shall be "Van accessible", but not less than one as per sec. 1129 B.4.2.



12. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel and at building entrance that are accessible as per CBC 1998, section 1127B.3.
13. All primary entrances and required exit doors shall be accessible to people with disabilities as per 1998 CBC, section 1114.B.1.3.
14. All sanitary facilities shall be fully accessible to people with disabilities as per 1998 CBC, section 1115B.
15. Accessible route of travel shall be provided from the street/bus stop to entrances and required exits.
16. Erosion control plan shall be submitted when applying for grading permit as per Municipal Code II-13-10.01.

Fire Department: (For further information regarding these notes, contact Tim Rapella, 408/586-3369):

1. Portable fire extinguishers shall be installed in occupancies and locations as set forth in Uniform Fire Code Standard No. 10-1 and as required by the Chief, prior to building permit final.
2. A permit shall be obtained from the Fire Department prior to engaging in any activity, operation, practice or function requiring a permit under Article 4 of the Uniform Fire Code.
3. A hood and duct fire extinguishing system shall be provided in accordance with the Mechanical Code for commercial-type food heat-processing equipment that produces grease-laden vapors.
4. An approved manual fire alarm system shall be provided in Group A, Division 1, 2 and 2.1 Occupancies.
5. Drapes, hangings, curtains, drops, and other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard, shall be made from material which is not flammable material or shall be treated and maintained in a flame-retardant condition by means of flame-retardant solution or a process approved by the chief.
6. When required by the Chief, a plan indicating the seating arrangement, location and width of exit ways and aisles in places of assembly shall be submitted for approval, and an approved copy of the plan shall be kept on display on the premises.

A separate permit is required from the Fire Department to operate a place of assembly.

Distribution:

Applicant & Owner

Tim Rapella, Fire Dept.

Keyvan Nejad, Building Div.

Robert Wang, Land Dev., Eng. Div.

Joe Oliva, Trans., Planning Div.

Mike McNeely, City Eng., Eng. Div.

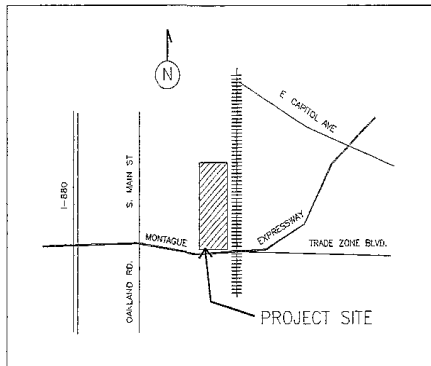
Neill Boitnott, Building Inspection

Carol Randisi, Public Works Div.

Joyce Grande, Finance

File





VICINITY MAP

# AL-HILAAL ISLAMIC CHARITABLE FOUNDATION MASJID DAR-US-SALAAM

91 MONTAGUE EXPRESSWAY, MILPITAS, CA 95035

ISSUED FOR PLANNING REVIEW, OCTOBER 10, 2001

Ghulam Azad A.I.A.

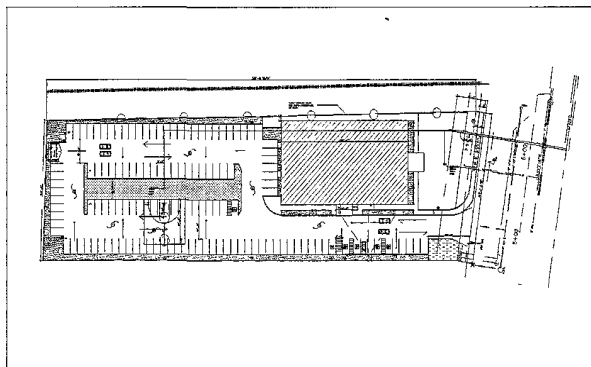
ARCHITECTURE INTERIOR DESIGN

12264 TITUS AVE SARATOGA, CA 95070 (408)873-4855  
E-mail: gozad@sbcglobal.net FAX 408 253 1530

DATE:  
JOB NO.  
SCALE:  
ACAD FILENAME:

SHEET:

A-0



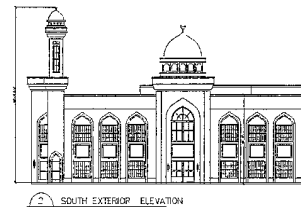
SITE MAP

## DRAWING INDEX

DWG FILE NO.	DWG NO.	DWG TITLE
AD	A-0	COVER SHEET
AD1	A-0.1	ARCHITECTURAL ABBREVIATIONS
XYA	C-0	OCCUPANCY FLOOR PLANS
XYA	C-1	CIVIL SITE PLAN
X00	A-1	ARCHITECTURAL SITE PLAN
X00	L-1	LANDSCAPE SITE PLAN
X0A	A-2.1	FIRST FLOOR PLAN
X0A	A-2.2	SECOND FLOOR & ROOF PLAN
X0A	A-2.3	BUILDING ELEVATIONS
X0A	A-2.4	BUILDING ELEVATIONS/BUILDING SECTION

PROJECT ADDRESS: 91 MONTAGUE EXPRESSWAY MILPITAS, CALIFORNIA		PARKING DATA:			
SITE DATA:		OCCUPANCY	SPACE USE	RATIO	NO. OF PARKING REQUIRED
SITE AREA 78,127 SF 1.8 ACRES		MEN PRAYER	250 SPACES	1:5	50
ACCESSORYS PARCEL # APN XXX-XX-XXX		WOMEN PRAYER	58 SPACES	1:5	12
USE ZONE AU		REQUIRED PARKING	308 SPACES	1:5	62
BUILDING DATA:		PARKING STANDARD, 9'x18'	131 SPACES		
CODES NEW YORK UBC 1997		ACCESSIBLE	05 SPACES		
AREA SPRINKLERED		TOTAL PARKING SPACES	136 SPACES		
OCCUPANCY A2.1 A-3, B, E-1 R3		NOTE: ALL PARKING WITHIN 2' ON			
BUILDING TYPE PROPOSED TYPE V-1		EXTERIOR FINISH	CEMENT PLASTER	WINDOWS	
TWO STORY BUILDING		STRUCTURE	STEEL COLUMNS, WOOD PURLINS/DECKING	CONCRETE FOUNDATION	

PROJECT DATA



SOUTH EXTERIOR ELEVATION

MIXED OCCUPANCY INFORMATION		TABLE 5-B (CBC 1998) ALLOWABLE AREA (CONST. TYPE V-1)	
OCCUPANCY	TOTAL AREA/OCCUP.	BASIC ALLOWABLE AREA X2 (AUTO SPRINKLERED)	TOTAL PROPOSED AREA/ALLOWABLE AREA
A2.1	1ST. FLR. 4,204 SF 2ND FLR. -	10,500 X2 = 21,000 SF	4,202 SF / 21,000 SF = 0.200
A-3	1ST. FLR. 2,394 SF 2ND FLR. -	10,500 X2 = 21,000 SF	2,394 SF / 21,000 SF = 0.114
B	1ST. FLR. 7,732 SF 2ND FLR. 4,198 SF	14,000 X2 = 28,000 SF	11,930 SF / 28,000 SF = 0.426
E-1	1ST. FLR. - 2ND FLR. 5,197 SF	15,700 X2 = 31,400 SF	5,197 SF / 31,400 SF = 0.1655
R3	1ST. FLR. NONE 2ND FLR. 2,056 SF	UNLIMITED	-
	TOTAL AREA 1ST FLOOR 14,313 SF TOTAL AREA 2ND FLOOR 10,170 SF	-	-
TOTAL BUILDING	24,483 SF	-	0.200+0.114+0.426+0.1655 = 0.9055 < 1 IS OK

BUILDING OCCUPANTS LOAD CBC 1998 TABLE No. 10-A (FOR EXITING ANALYSIS ONLY)						
USE	OCCUPANT LOAD	OCCUPANTS LOAD FACTOR, SF	MINIMUM EXITS REQUIRED	EXITS PROVIDED	EXIT WIDTH REQUIRED	EXIT WIDTH PROVIDED
FIRST FLOOR	MEN PRAYER AREA 4000/7 574 PERSONS	7	3 UBC 1004 2.34	4	9.8 FT	21 FT
	WOMEN PRAYER AREA 1065/7 152 PERSONS	7	2	2	3 FT	12 FT
	DINING ROOM 1280/15 85 PERSONS	15	2	2	3 FT	12 FT
	MEETING ROOM 981/15 65.4 PERSONS	15	2	2	3 FT	12 FT
SECOND FLOOR	CLASS ROOMS 4027/20 200	20	2	2	3 FT	6 FT
	DORMITORY 860/20 43 PERSONS	20	2	2	3 FT	6 FT
OVERALL BUILDING	24,483 SF	-	-	-	-	45 FT

BUILDING EXTERIOR WALLS AND OPENINGS PROTECTION CBC 1998 TABLE No.5A CONSTRUCTION TYPE V-1			
OCCUPANCY GROUP MIXED OCCUPANCY	DESCRIPTION OF OCCUPANCY	FIRE RESISTANCE OF EXTERIOR WALL	OPENINGS IN EXTERIOR WALLS
FIRST FLOOR A2.1, A-3, B	PRAYER HALLS, DINING ROOM, MEETING ROOM, TOILET/WASH ROOMS, GENERAL SUPPORT AREAS.	EAST EXTERIOR WALL IS 5' FT MIN FROM PROPERTY LINE. WILL BE CONSTRUCTED TWO HOUR FIRE RATED NORTH, WEST AND SOUTH WALLS ARE ONE HOUR FIRE RATED CONSTRUCTION	EAST WALL OPENINGS WILL BE PROTECTED NORTH, WEST AND SOUTH WALLS ARE MORE THAN 10' FROM THE PROPERTY LINE. OPENINGS IN THE EXTERIOR WALLS ARE NOT PROTECTED
SECOND FLOOR B, E-1, R3	DORMITORY, CLASSROOMS, HALLS & QUARTER, TOILET ROOMS, GENERAL SUPPORT AREAS.		



Ghulam Azad, A.I.A.

ARCHITECTURE INTERIOR DESIGN  
8301 TERRY AVE. SUITE 100, SAN DIEGO, CA 92121 (619) 575-1000  
Fax: (619) 575-1000

PROJECT NO.  
DESIGNED BY  
DRAWN BY  
REVIEWED BY  
APPROVED BY  
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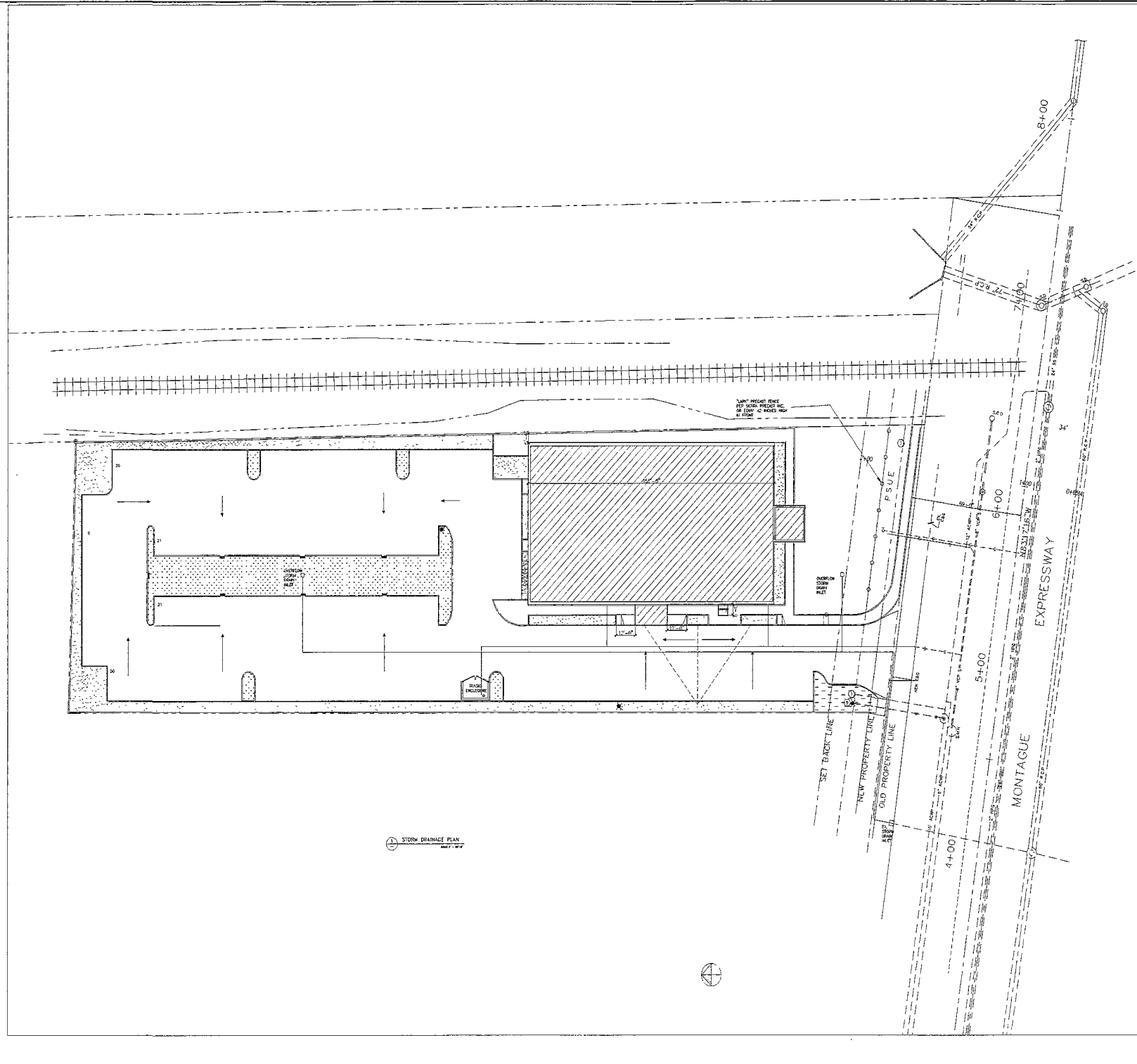
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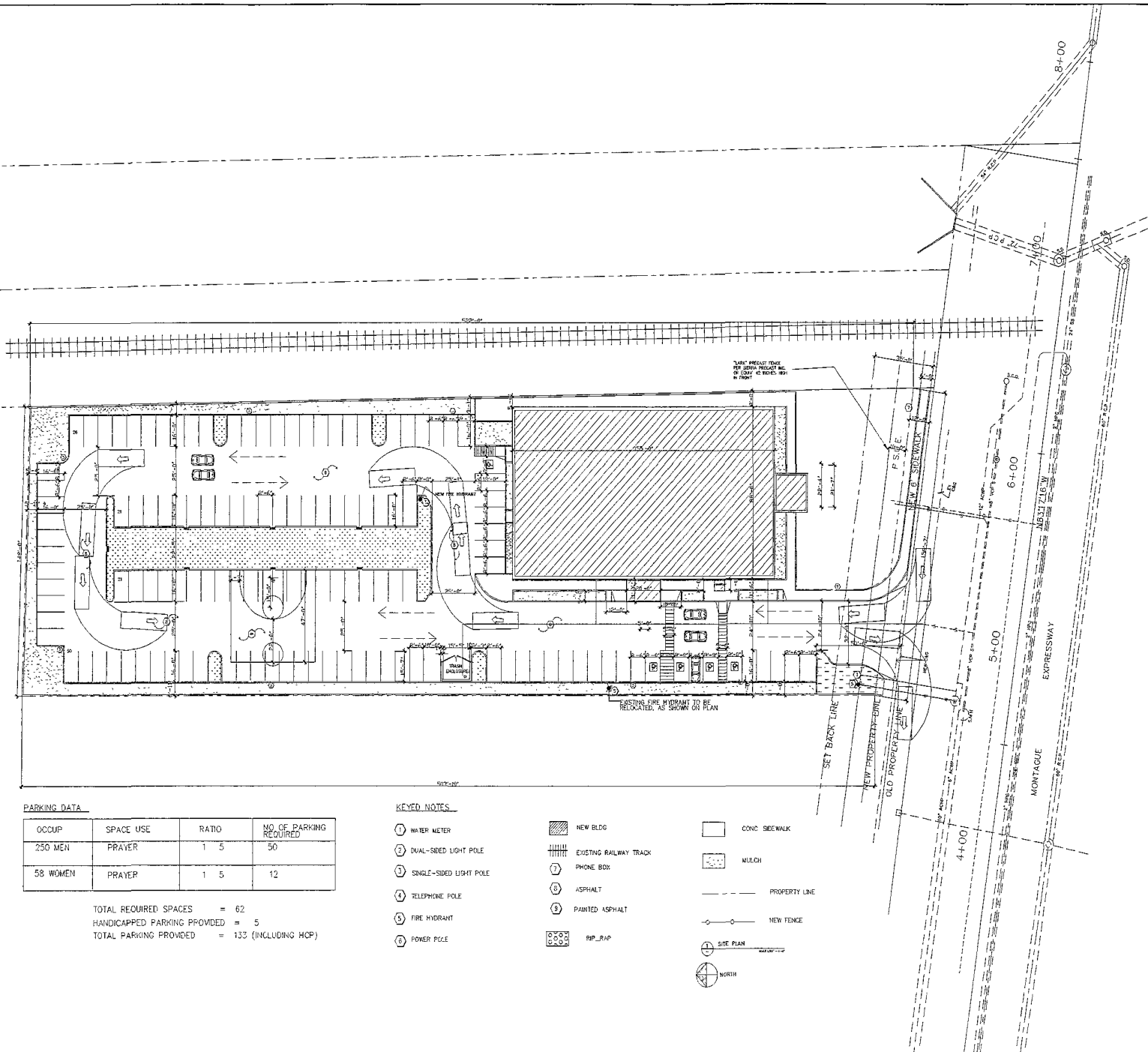


AL-HILAAL ISLAMIC  
CHARITABLE FOUNDATION  
14001 PACIFIC BLVD., SUITE 100  
SAN DIEGO, CALIFORNIA 92121

PROJECT TITLE  
CIVIL SITE PLAN  
NEW MASJID

DATE 9/12/01  
JOB NO. 8152/001  
SCALE AS NOTED  
ALSO PREPARED BY C-1





# PARKING DATA

OCCUP	SPACE USE	RATIO	NO. OF PARKING REQUIRED
250 MEN	PRAYER	1 : 5	50
58 WOMEN	PRAYER	1 : 5	12

TOTAL REQUIRED SPACES = 62  
HANDICAPPED PARKING PROVIDED = 5  
TOTAL PARKING PROVIDED = 133 (INCLUDING HCP)

## KEYED NOTES

1. WATER METER
2. DUAL-SIDED LIGHT POLE
3. SINGLE-SIDED LIGHT POLE
4. TELEPHONE POLE
5. FIRE HYDRANT
6. POWER POLE

- NEW BLDG
- EXISTING RAILWAY TRACK
- PHONE BOX
- ASPHALT
- PAINTED ASPHALT
- PIP\_RAP

- CONC. SIDEWALK
- MULCH
- PROPERTY LINE
- NEW FENCE
- SITE PLAN
- NORTH

REV	DESCRIPTION	DATE
1	ISSUED FOR BUILDING DEPARTMENT	2/2/03
2	PROJECT REVISION	3/3/03
3	ISSUED FOR PLANNING	1/15/03
4	ISSUED FOR PLANNING	1/15/03
5	ISSUED FOR PLANNING	REVISION
6	ISSUED FOR PLANNING	REVISION

## KEY PLAN

AL-HILAAL ISLAMIC  
COMMUNITY CENTER  
MOUNTAIN VIEW-LOS ANGELES  
91 MONTAGUE EXPRESSWAY  
MOUNTAIN VIEW, CALIFORNIA

SHEET TITLE  
SITE PLAN  
NEW MASJID





**SINGER | FUKUSHIMA**  
LANDSCAPE ARCHITECTS  
8 CROWCANYON COURT, SUITE 800  
SAN RAMON, CALIFORNIA 94583  
(925) 565-4300 (F) (925) 565-4305 (E) singer@sfukushima.com

CONCEPTUAL  
LANDSCAPE PLAN

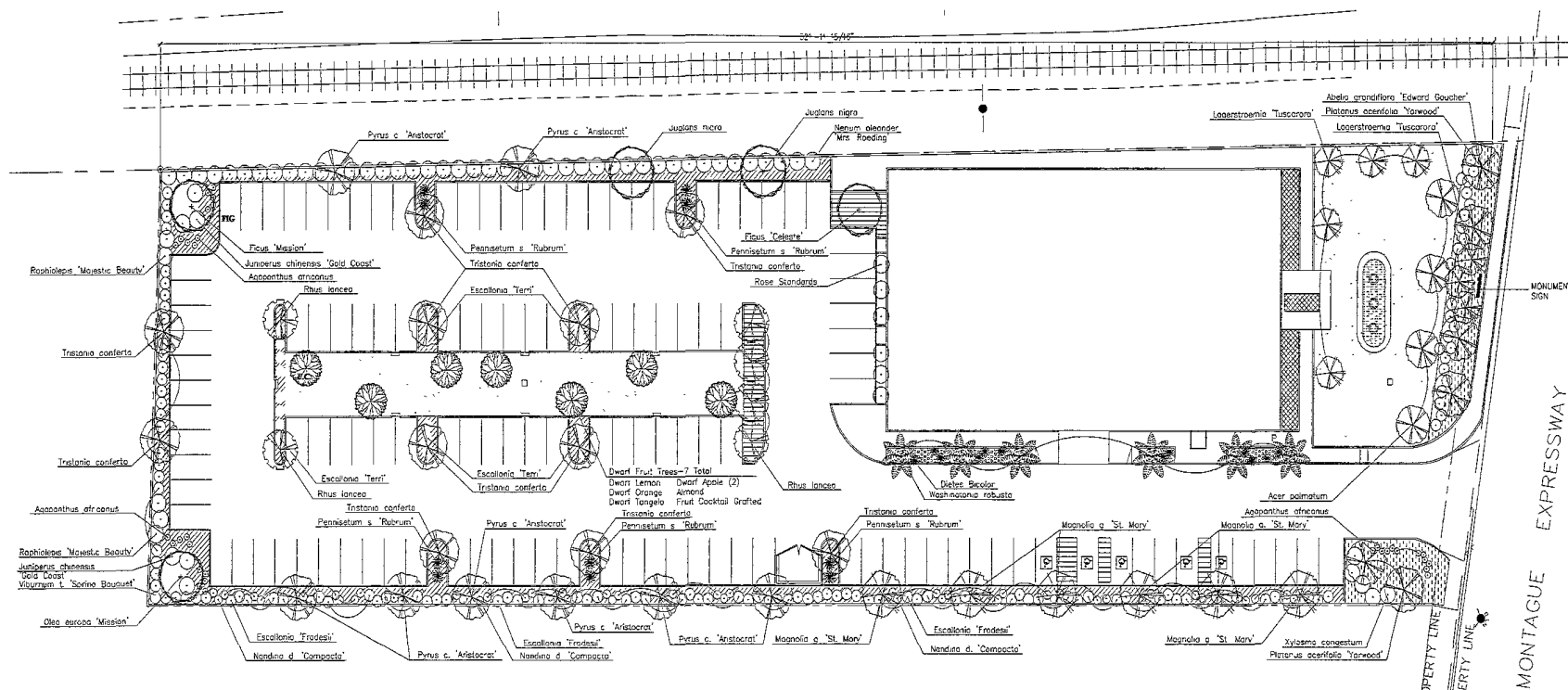
REVISIONS	DATE	BY	REASON
1	10/16/01	RF	Initial Design

**MILPITAS MOSQUE**  
AL-HILAL ISLAMIC CHARITABLE FOUNDATION  
MASJID DAR-US-SALAAM  
911 MONTAGUE EXPRESSWAY  
MILPITAS, CALIFORNIA 95035  
PLANS PREPARED BY: SINGER | FUKUSHIMA

SHEET

**CL**

OF 1 SHEETS



- GROUNDCOVER LEGEND**
- Rosa "Floral Carpet" plant from 1 gallon cans at 24" on center
  - Gazania "Copper King" from rooted cutting flats at 14" on center
  - Turf-type fine leaf Tall "Rescue" sod
  - Trachelospermum jasminoides from rooted cutting flats at 14" on center
  - Annuals-plant from 4" liner pots at 12" on center
  - 4" to 6" River washed cobbles set in sand. Cobble color to be tan and gray.

**PLANT MATERIAL LIST :**

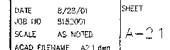
TREES	QUANT	HEIGHT	SPREAD	SIZE
Dwarf Fruit Trees-7 Total	NCN	7	Varies	15gc
Ficus "Celeste"	1	25'	25'	15gc
Ficus "Mission"	1	25'	25'	15gc
Juglans nigra	2	35'	60'	15gc
Lagerstroemia "Tuscarora"	8	22'	12'	24"box
Magnolia g "St. Mary"	6	20'	20'	24"box
Olea europaea "Mission"	1	25'	22'	15gc
Platanus acerifolia "Varwood"	6	50'	30'	24"box
Pyrus c. "Aristocrat"	6	35'	20'	15gc
Rhus lancea	6	25'	20'	15gc
Tristania conferta	4	35'	20'	15gc
Washingtonia robusta	6	80'	10'	48"box

NOTE:  
HEIGHTS AND SPREADS ARE APPROXIMATE AND MAY VARY FROM THOSE GIVEN  
AS A RESULT OF ENVIRONMENTAL AND CARE CONDITIONS. HEIGHTS AND SPREADS  
ARE EXPECTED MEDIAN MEASURES.

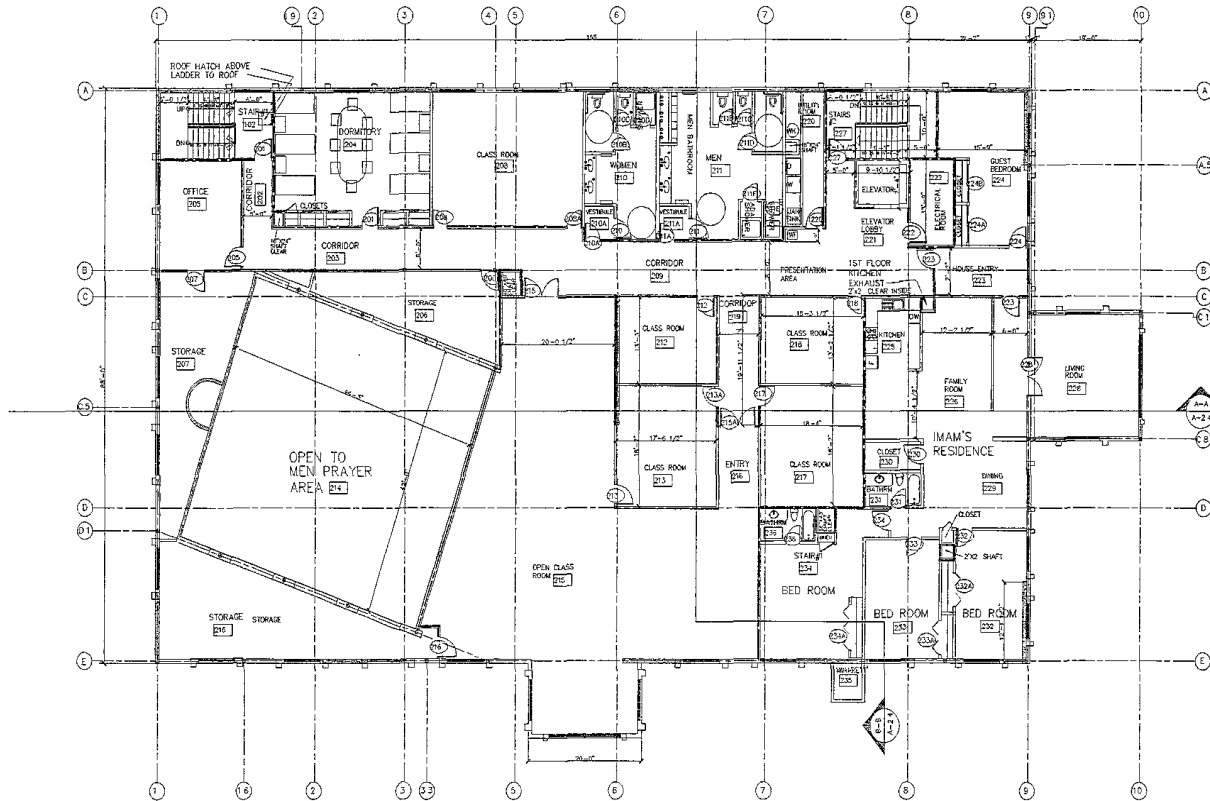
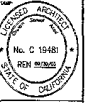
SHRUBS	QUANT	HEIGHT	SPREAD	SIZE
Abelia grandiflora "Edward Goucher"	22	1'	4'-5'	5gc
Agapanthus africanus	32	4'	3'	1gc
Escallonia "Fradest"	NCN	70'	5'	5'
Escallonia "Terri"	NCN	8'	3'-4'	18"
Juniperus chinensis "Gold Coast"	5	4'	4'	5gc
Nandina d. "Compacta"	52	4'	3'	5gc
Nerium oleander "Mrs. Rooding"	43	6'	6'	5gc
Pennisetum s. "Rubrum"	8	2'	2'	1gc
Raphiolepis "Majestic Beauty"	6	10'	8'	5gc
Viburnum t. "Spring Bouquet"	31	5'	5'	5gc
Xylisma congestum	5	6'	5'	5gc
Rose Standard	6	4'	2'	5gc

CONCEPTUAL LANDSCAPE PLAN









SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"

KEYED NOTES:

- 1 45 MINUTES FIRE RATED FIBER GLASS DOUBLE GLAZED WINDOW INTERIOR PANEL CLEAR EXTERIOR PANEL MESH GLASS
- 2 FIRE EXTINGUISHER CABINET SEW RECESSED
- 3 MECHANICAL DUCT SHAFT ONE HOUR FIRE RATED
- 4 STEEL BEAM, ONE HR. FIRE RATED GYP BO FINISH
- 5 MESH SUPPLY DUCT AT MED. ROOF ELEVATION
- 6 WINDOW WITH SPANDREL GLASS PANELS
- 7 1 1/2" X 1/2" STEEL PIPE HANDRAIL, 42" AFF. WITH HORIZONTAL INTERMEDIATE RAILING SO THAT THE CLEAR SPACE BETWEEN RAILING IS 3 7/8" MAX. HANDRAIL IS 2'-10" AFF. AT THE ACCESSIBLE RAMP SIDES
- 8 CLEAR GLASS IN METAL FRAME NON RATED OPERABLE WINDOWS
- 9 45 MINUTES FIRE RATED WINDOWS WITH METAL FRAME AND 1/4" WIRE MESH GLASS
- 10 COLD AND HOT WATER FAUCET 30 INCHES AFF
- 11 8" REINFORCED CONCRETE SHEER WALL SEE STRUCT DWGS

GENERAL NOTES:

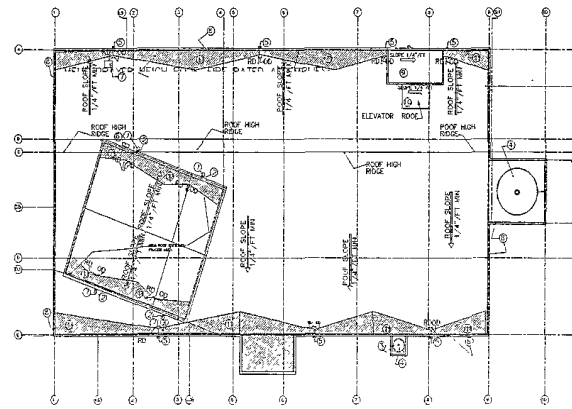
- 1 ALL DIMENSIONS ARE THE FACE OF GYP BO FACE OF CONC OR CENTR LINE OF STRUCT COLUMN UNLESS NOTED OTHERWISE
- 2 ALL WALLS ARE TYPE 1 UNLESS OTHERWISE NOTED, FOR WALL TYPES, UL DESIGN NUMBERS FOR FLOOR/CILING AND ROOF/CILING ASSEMBLIES, SEE SHEET A-3.4
- 3 ALL DOORS, WINDOWS ARE DIMENSIONED TO THE CENTERLINE, FOR FURTHER INFORMATION SEE DOOR SCHEDULE, SHEET A-3.2 & A-3.3
- 4 SEE WINDOW SCHEDULE SHEET A-3.2
- 5 BUILDING FIRST FLOOR ELEVATION IS 0'-0" AND REFERENCED TO ELEVATION
- 6 EXTERIOR WALL ARE CONSTRUCTED WITH 6"-18 GAGE METAL STUDS 16" OC. EAST WALL IS TWO HR FIRE RESISTIVE AND ALL OTHER EXTERIOR WALLS ARE ONE HOUR FIRE RESISTIVE ASSEMBLIES
- 7 EAST EXTERIOR WALL IS CONSTRUCTED WITH TWO LAYERS OF 5/8" TYPE 'X' GYP BO ON INTERIOR SIDE OF MET STUD, ONE LAYER OF 5/8" TYPE 'X' GYP BO 1/2" PL WOOD SHEATHING, CALV MET LATH, 7/8" CEMENT PLASTER FROM OUTSIDE OF MET MET STUDS, WITH 8" THERMOGLASS BATT INSULATION
- 8 WINDOWS ON THE SOUTH, WEST AND NORTH SIDES ARE CASEMENT OPERABLE WINDOWS AND NON-PROTECTED

LEGEND:

- 1 ONE HOUR FIRE RATED PARTITIONS FLOOR TO UNDER SIDE OF METAL BECEILING, SET PARTITION TYPE ONE ON SHEET A-3.4

ROOF PLAN KEY NOTES:

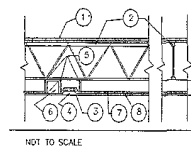
- 1 SHEET METAL SCUPPER AND DOWN SPOUT, PAINTED
- 2 CONCRETE SPLASH BLOCK, 18" WIDE X 24" LONG
- 3 ACCESS TO MINARET UPPER LEVEL IS BY A VERTICAL LADDER IN SIDE MINARET
- 4 CEMENT PLASTER BOARD, PAINTED DARK GREEN, CONTRASTOR TO ROOF COLOR WITH OWNER
- 5 GALVANIZED IRON PIPE DOWNSPOUTS FOR ROOF DRAIN AND OVERFLOW DRAIN, CONCEALED IN EXTERIOR WALL
- 6 STEEL LADDER TO HIGH ROOF SEE DETAIL 12/AB.2
- 7 METAL 2'-6" WIDE AND 4'-0" LONG ROOF HATCH
- 8 CEMENT PLASTER PARAPET WITH METAL COPING PAINTED 5" HIGH ABOVE ROOF PLANE AT THE HIGH POINT
- 9 STAIR #2 ROOF, SAME MATERIAL AS THE MAIN ROOF SLOPE 1/4" / FT MINIMUM TOWARD (SOUTH) THE ROOF DRAIN
- 10 ELEVATOR ROOF, SAME MATERIAL AS THE MAIN ROOF SLOPE 1/4" / FT MINIMUM TOWARD (SOUTH) THE ROOF DRAIN



ROOF PLAN  
SCALE 1/16" = 1'-0"

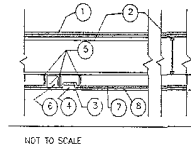
MEN'S PRAYER HIGH ROOF, FIRE RATED ASSEMBLIES:

- 1 ROOF-CILING ASSEMBLIES WITH ONE HOUR FIRE RATED ACOUSTICAL CEILING USE 1"-1" ASSEMBLY NO 1-1 (FOR OPEN WEB TRUSS) AND E-1 (FOR T.J. JOIST), SIMILAR TO UL DESIGN NO. L202 SEE THE FOLLOWING ASSEMBLIES COPIED FROM NATIONAL EVALUATION SERVICES INC.



ASSEMBLY 1-1

- 1 DOUBLE-WOOD FLOOR
- 2 OPEN WEB TRUSS
- 3 FUTURE PROTECTION
- 4 24-INCH X 48-INCH RECESSED LIGHT FIXTURE
- 5 COLD-ROLLED CHANNELS
- 6 12 INCH AIR DIFFUSER
- 7 USG THERMAFLEX OR FIBREX MINERAL WOOL BLANKETS
- 8 5/8 INCH ACOUSTICAL PANELS 24-INCHES X 48-INCHES SUPPORTED BY AN EXPOSED FIRE-RATED TENSION SUSPENSION SYSTEM



ASSEMBLY E-1

- 1 DOUBLE-WOOD FLOOR
- 2 12 JOIST
- 3 FUTURE PROTECTION
- 4 24-INCH X 48-INCH RECESSED LIGHT FIXTURE
- 5 COLD-ROLLED CHANNELS
- 6 12 INCH AIR DIFFUSER
- 7 USG THERMAFLEX OR FIBREX MINERAL WOOL BLANKETS
- 8 5/8 INCH ACOUSTICAL PANELS 24-INCHES X 48-INCHES SUPPORTED BY AN EXPOSED FIRE-RATED TENSION SUSPENSION SYSTEM

KEY PLAN

NO.	DESCRIPTION	DATE
1	DESIGN FOR BUILDING DEPARTMENT	12/14/02
2	DESIGN FOR PLANNING REVIEW	12/16/02
3	PROGRESS PRINTING	12/16/02
4	DESCRIPTION	DATE

AL-HILAAL ISLAMIC  
CHARITABLE FOUNDATION  
MASJID DAF-US-SALAAM  
91 MONTAGUE EXPRESSWAY  
MILPITAS, CALIFORNIA

SHEET TITLE  
SECOND FLOOR PLAN  
NEW MASJID

DATE: 8/28/01  
DRAWN BY: BUKHORI  
SCALE: AS NOTED  
ACAD FILENAME: A2 2.dwg  
SHEET: A-22

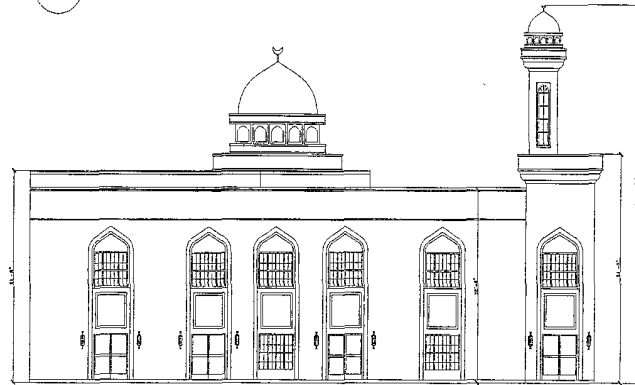




1 WEST ELEVATION  
SCALE 1/8"=1'-0"



2 SOUTH EXTERIOR ELEVATION  
SCALE 1/8"=1'-0"



3 NORTH EXTERIOR ELEVATION  
SCALE 1/8"=1'-0"

Ghulam Azad, A.I.A.

ARCHITECTURE INTERIOR DESIGN  
10000 10000 10000 10000 10000 10000 10000 10000 10000 10000  
10000 10000 10000 10000 10000 10000 10000 10000 10000 10000

PROJECT NO. DESIGNED BY: REVIEWED BY:  
DRAWN BY: APPROVED BY:

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AL-HILAAL ISLAMIC  
CHARITABLE FOUNDATION  
MASTH HAD-HIS-ILAM  
91 MONTAGUE EXPRESSWAY  
MILPITAS, CALIFORNIA

SHEET TITLE

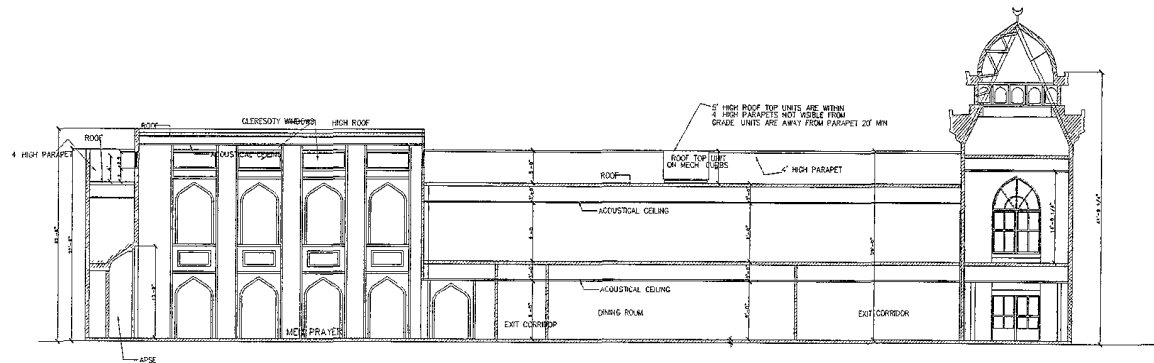
EXTERIOR ELEVATIONS

DATE 8/28/01 SHEET  
JOB NO 33A A-5.1  
SCALE 1/8"=1'-0"  
ADD FILENAME 7/01

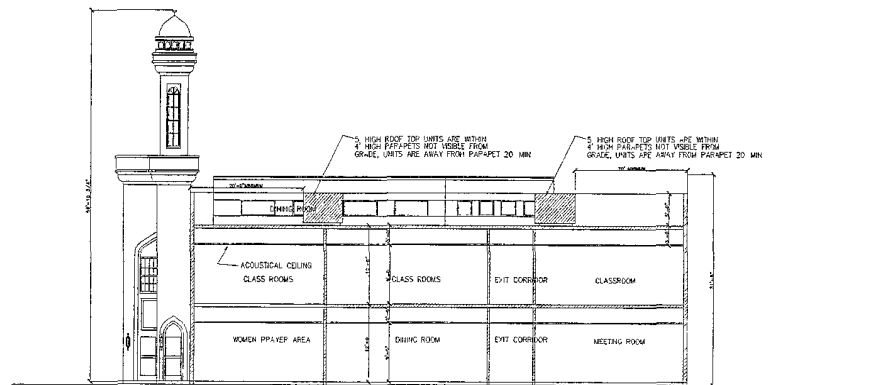




1 EAST EXTERIOR ELEVATION  
SCALE 1/8"=1'-0"



A-A BUILDING SECTION (LOOKING EAST)  
SCALE 1/8"=1'-0"



B-B BUILDING SECTION (LOOKING NORTH)  
SCALE 1/8"=1'-0"

Ghulam Azad, A.I.A.

ARCHITECTURE INTERIOR DESIGN  
1326 17TH AVE. SOUTHERN, CA 90707 (408) 448-1778  
Email: ghulam@ghulam.com Fax: 408 203 1508

PROJECT NO. 000000  
DESIGNED BY GH  
DRAWN BY GH  
REVIEWED BY GH  
APPROVED BY GH  
DATE 01/01/01

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AL-HILAAL ISLAMIC

CHARITABLE FOUNDATION  
KASHI DAB-OS-SALAM

91 MONTAGUE EXPRESSWAY  
MILLITAS, CALIFORNIA

SHEET TITLE

EXTERIOR  
ELEVATIONS  
& BUILDING  
SECTIONS

DATE 8/20/01

W.D. V.F.

SCALE 1/8"=1'-0"

ACAD FILENAME 11000

SHEET

A-5.2